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ADMITTED IN D.C. ONLY

November 16, 1992

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FEDERAL COMMUNICATIONS COMMISSION
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OUR FILE NO.
0040-113

**Ms. Donna R. Searcy, Secretary
Federal Communications Commission
Washington, D.C. 20554**

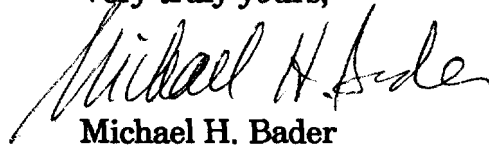
Re: MM Docket No. 87-268

Dear Ms. Searcy:

On behalf of DR Partners, licensee of KOLO-TV, Reno, Nevada, I transmit herewith, for filing and distribution to the Commissioners, an original and nine copies of its Comments on Second Further Notice of Proposed Rule Making in the above-referenced proceeding.

Kindly communicate any questions concerning this matter directly to this office.

Very truly yours,


Michael H. Bader

MHB/app

Enclosures

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before The
Federal Communications Commission
Washington, D.C. 20554

In the Matter Of

Advanced Television Systems and
Their Impact Upon the Existing
Television Broadcast Service

MM Docket No. 87-268

TO: The Commission, *en banc*

**COMMENTS ON SECOND FURTHER
NOTICE OF PROPOSED RULE MAKING**

DR Partners, the licensee of KOLO-TV, Reno, Nevada, hereby states its position on the conceptual matters set forth in the *Second Further Notice of Proposed Rule Making* dealing with advanced television systems and their impact on the existing television broadcast service.

In a few words, the impact of advanced television systems, as the FCC envisions them in the *Second Further Notice*, on KOLO-TV in Reno, Nevada, would be catastrophic.

First, the Commission is looking toward the move of all television from a VHF/UHF spectrum to UHF-only. It takes very little imagination to realize that jamming into the single UHF frequency band all of the television stations in this country is going to cause crowding and complexity of service. At a time such as this, where many broadcast services are being expanded in their bands (see, for example, the AM band, with expansion into 1610-1730 and the various proposals to enlarge the FM spectrum by DAB means), the compression of all

television into a single frequency area would seem to be unthinkable. Nevertheless, the FCC is thinking exactly that way.

The FCC must know what is going to happen to stations providing wide area service on VHF channels in a synchronous mode with other additional UHF channels. Reno is a good example of what is now available to the public and what may be the result of this frequency compression in the future.

At the outset, Reno is a market characterized by the intense mountainous terrain created by the Sierra Nevada mountains. The Channel 8 television station is atop Slide Mountain, a promontory some ten thousand feet in elevation, and a UHF station is located there. At other sites in the region, and the FCC, itself, has identified two others, there are three more VHF stations, including a public station, and UHF signals. Still an additional VHF station, Channel 11, is planned for the market.

This highly sophisticated division of sites and allocation of frequencies to three different promontories in the region, has allowed the stations to provide signals at long range to a variety of cable systems, translators, low-power devices, and many of these are threatened by the proposal to eliminate all VHF stations in the area. The chief engineer of KOLO-TV, Robert Northam, has pointed out the following:

A summary first, if I may. This plan would likely cost us millions to implement/install. The superior quality signal afforded by HDTV would be lost to many northern Nevada viewers via a UHF signal due to problems specific to that spectrum in a mountainous terrain such as ours. The installation costs are further compounded by the higher utility costs required to

operate a UHF transmitter. And finally, since this move is not consumer driven it is highly unlikely that we could generate the additional viewing, ratings, and revenues to support these increased costs.

While we have yet to get into the cost of purchasing and maintaining a new UHF transmitter and tower, the electrical costs could be almost ten times what they are now in order to achieve the power necessary to maintain the same coverage area we now enjoy. UHF frequencies, as you know, require most "line-of-sight" so even the smallest obstructions or hills could cause a loss of signal.

Mr. Northam has also studied the specific proposals for the Commission for reallocating channels and changing the VHF frequencies to the UHF and he reports as follows:

To further clarify the channel assignments as I see them, the FCC indicated three sites in the Reno area where full power stations are presently located:

Site 1 - Red Peak: proposed channels 18, 22, 32, 61. None of these channels would have an effect on our present operations.

Site 2 - Slide Mountain: proposed Channels 49 and 53. The channel 49 assignment would wipe out the use of our translator on Peavine, key to northwest Reno coverage. If we assume that KREN, Channel 27, does not have the resources to jump into HDTV right away, we may want to file for Channel 53 in order to minimize the impact on our Channel 49 translator.

Site 3 - McClellan or Peavine: proposed Channel 59. Should have no impact on our Channel 58 in Crystal Bay.

The technical considerations are severe enough, but the station must ask itself "what is going to happen to its ability to serve extended ranges?" This is not an area known for numerous highly densely

populated areas--it is the open west where for miles there are no inhabited areas and suddenly a small knot of population, served by a translator or a cable system, will be encountered. Many of those are going to be eliminated if all television, especially the KOLO-TV Channel 8 service, is moved to the UHF band.

KOLO-TV is also worried as to the Commission's apparent lack of concern for "secondary TV channels." Those are the devices which currently extend the station's service to many of these small, sparsely populated regions. Are those areas to be eliminated in order to accommodate the jamming of all television into the single UHF band?

As KOLO-TV's Robert Northam puts it:

What is the cable company going to do with the signal as we and other broadcasters come on line with HDTV transmitters? Are they going to be able to pass the signals as they do the other formats or are some special measures going to be taken? And how would two channels affect "must carry" and "retransmission consent?"

KOLO-TV is also concerned as to the impact of this action on the current debate as to the ability of cable and ultimately telephone companies to displace over-the-air broadcasters. If a signal is suddenly removed from an area which had received it by translator, off-the-air, and free, is it not natural to expect cable or the telephone companies to move in and take over the entire responsibility for serving the area?

Finally, a station such as KOLO-TV must be acutely aware of the enormous costs involved in making this change. The cost to KOLO-TV is more than the ordinary sum to be anticipated by a television broadcast station. KOLO-TV is not conveniently located on a tower in an

open field--it is on top of the Sierras, in terrain where frequently the snowfall is measured in 20- to 30-foot depths, where power supplies are strained to their maximum to maintain the service, and where access is a very difficult matter. All construction must be of "battleship configuration" because of the enormous storms of wind, rain, and snow. Apparently, the Commission expects the station to remain at this point because in the typical alignment of sites, Site No. 2 in the FCC's estimation, two channels would be provided. Naturally, a question is raised as to the ability of either channel to make the enormous investment, but we do point out that while KOLO-TV is a VHF station affiliated with the ABC Network, KREN, the other station on the site, operates on Channel 27 and may not be as well financed to make the change.

In summary, the Commission seems to be on a totally erroneous path with the hope of moving all television to a single band. Again, we question why the Commission is compacting the UHF television band when at the same time it is moving to expand the AM and FM bands?

Under all the circumstances, we think the matter should be reconsidered and restated along the lines proposed by the Association of Maximum Service Telecasters. We hope that the difficult position presented in the Reno market will be considered for our station and others, and we are certain from the experience of nearly 40 years in television that this move is a grievous mistake. We believe that if the Commission looked at the matter of maintaining all frequencies and all channels, it would provide for the greatest service to the public, it could

accommodate ATV systems, and it would not disrupt an entire nationwide television allocation program which, incidentally, also drives the allocations in neighboring Canada and Mexico. Those two nations have both UHF and VHF frequency assignments for television.

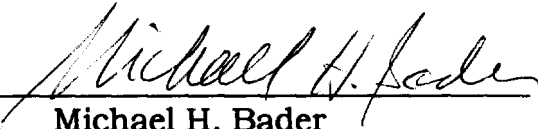
Under the circumstances, we urge the Commission not to adopt the concept set forth in the *Second Further Notice of Proposed Rule Making*.

What is more, the Commission is urged not to blithely proceed with frequency assignments at sites arbitrarily selected by it. The station licensees which have gone to a great deal of trouble developing their sites for their particular channels should be allowed to have basic input into the matter of determining the future frequency, if this program of shifting to the UHF exclusively goes ahead. We understand from the specific terms of the *Second Further Notice of Proposed Rule Making* that the Commission is not today undertaking to reassign channels to specific sites. Examples only are furnished. We think, however, that there should be much more opportunity for stations to consider any proposed

future change of channel prior to the adoption of the entire scheme of implementing the advanced television system ideas in the United States.

Respectfully submitted,

DR PARTNERS

By 
Michael H. Bader

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